

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JONATHAN JIMENEZ)
Plaintiff,)
)
v.) Case No. 5:25-cv-00061
)
ACCOUNT SERVICES COLLECTIONS)
INC.)
Defendant.

COMPLAINT AND DEMAND FOR JURY TRIAL

I. INTRODUCTION

1. This is an action for actual and statutory damages brought by Plaintiff, Jonathan Jimenez, an individual consumer, against Defendant, Account Services Collections Inc. for violations of the Fair Debt Collection Practices Act, 15 U.S.C § 1692 *et seq.* (hereinafter “FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair debt collection practices.

II. JURISDICTION AND VENUE

2. Jurisdiction of this court arises under 15 U.S.C § 1692k(d) and 28 U.S.C § 1331.
3. Venue in this District is proper in that the Defendant transacts business in San Antonio, Bexar County, Texas, and the conduct complained of occurred in San Antonio, Texas.

III. PARTIES

4. Plaintiff is a natural person residing in San Antonio, Texas.

5. Plaintiff is a consumer as defined by the Fair Debt Collection Practices Act, 15 U.S.C. §1692a(3).
6. Upon information and belief, Defendant is a Texas corporation with its registered agent address as follows: Richard Goforth, 1802 N.E. Loop 410, San Antonio, TX 78217.
7. The alleged debt at issue arises from a transaction entered into primarily for personal, family or household purposes and is therefore a “debt” as defined by the FDCPA, 15 USC § 1692a(5).
8. Defendant regularly attempts to collect consumers’ debts alleged to be due to another.
9. Defendant is engaged in the collection of debt from consumers using the mail and telephone.
10. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C § 1692a(6).

IV. FACTS OF THE COMPLAINT

11. On or about September 5, 2024, Plaintiff received text message communication from Defendant attempting to collect a debt in the amount of \$17,600.72 allegedly owed to Randolph Brooks FCU.
12. On September 5, 2024, Plaintiff sent a reply text message communication to Defendant that stated, “Hey there Thanks for the text message, about that “\$17600.72” something sees off & therefore I refuse to pay”, which informed Defendant of Plaintiff’s refusal to pay pursuant to 15 U.S.C. § 1692c(c).

13. On or about September 5, 2024, Defendant continued collection efforts by sending a text message communication to Plaintiff stating, “Account Services, USA-Debt Collector: Please call [800-777-5076](tel:8007775076) or visit [www.accountservicess-
usa.com/consumer](http://www.accountservicess-usa.com/consumer) to view or pay on your account. To optout text STOP”, in violation of 15 U.S.C. § 1692c(c).
14. On or about September 13, 2024, Defendant continued collection efforts by sending a text message communication to Plaintiff stating, in pertinent part, “Hi JONATHAN G! Want to settle your \$17600.72 balance with RANDOLPH-BROOKS FCU for \$14080.58? Pay @ www.payasci.com Chat @ www.helpasci.com or Call [800-777-5076](tel:8007775076)... Account Services-Debt Collector. STOP to optout”, in violation of 15 U.S.C. § 1692c(c).
15. On or about September 20, 2024, Defendant continued collection efforts by sending email correspondence to Plaintiff stating, in pertinent part, “**TIME TO TAKE CARE OF YOUR PAST DUE ACCOUNT! RANDOLPH-BROOKS FCU HAS PLACED YOUR ACCOUNT WITH OUR OFFICE WITH INSTRUCTIONS FOR IMMEDIATE RECOVERY. They provided you services and now need to be paid.** Payment is EASY- go to www.payasci.com for payment options or call 800-777-5076 to discuss with a helpful representative. We take Credit/Debit Cards, and ACH/Checks. Want to pay but don’t have the money today? You can also setup a future payment for when your funds will be available”, in violation of 15 U.S.C. § 1692c(c).

16. Plaintiff has suffered actual damages as a result of the illegal debt collection communications by Defendant in the form of intrusion upon seclusion, invasion of privacy, loss of productive time, decreased ability to focus on tasks while at work, frustration, emotional distress, anger and anxiety, amongst other negative emotions.

V. FIRST CLAIM FOR RELIEF
15 U.S.C. §1692c(c)

17. Plaintiff re-alleges and reincorporates all previous paragraphs as if fully set out herein.

18. Defendant's debt collection efforts violated the FDCPA, particularly §1692c(c) states:

- (a) If a consumer notifies a debt collector in writing that the consumer refuses to pay a debt or that the consumer wishes the debt collector to cease further communication with the consumer, the debt collector shall not communicate further with the consumer with respect to such debt, except
 - (1) to advise the consumer that the debt collector's further efforts are being terminated;
 - (2) to notify the consumer that the debt collector or creditor may invoke specified remedies which are ordinarily invoked by such debt collector or creditor; or
 - (3) where applicable, to notify the consumer that the debt collector or creditor intends to invoke a specified remedy.

If such notice from the consumer is made by mail, notification shall be complete upon receipt.

19. Defendant's acts were done with intentional, willful, reckless, wanton and negligent disregard for Plaintiff's rights under the law and with the purpose of coercing Plaintiff to pay an alleged debt.

20. As a result of the above violations of the FDCPA, the Defendant is liable to Plaintiff for actual damages, statutory damages and costs.

VI. JURY DEMAND AND PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully demands a jury trial and requests that judgment be entered in favor of Plaintiff and against Defendant for:

- A. Judgment for the violations occurred for violating the FDCPA;
- B. Actual damages pursuant to 15 U.S.C § 1692k(a)(1);
- C. Statutory damages pursuant to 15 U.S.C § 1692k(a)(2);
- D. Costs and reasonable attorney fees pursuant to 15 U.S.C § 1692k(a)(3);
- E. For such other and further relief as the Court may deem just and proper.

Respectfully submitted,

Dated: January 15, 2025

By: s/ Tiffany Hill

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